

Adopted.

Senator Traylor offered the following amendment:

Add to section 2:

And the collector shall execute to the purchaser a deed for the land bought, which deed, when recorded according to law, shall be prima facie evidence that all the requisites of the law have been complied with making such sale, and shall also be prima facie evidence that all the requisites to the exercise of the power to make said sale and deed have been complied with.

On motion of Senator Gibbs,

The Senate adjourned until to-morrow morning at 10 o'clock.

SIXTEENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, January 25, 1884.

The Senate met pursuant to adjournment.

Lieutenant-Governor Martin in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

On motion of Senator Martin,

The reading of yesterday's journal was dispensed with, and

The journal adopted.

Senator Evans, for Judiciary Committee No. 2, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 25, 1884.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 67, entitled "An act to prevent the wilfully killing of stock," etc., have carefully examined the same and instruct me to report the same back with the accompanying substitute, and recommend that the substitute be adopted, and that it do then pass.

All of which is respectfully submitted.

EVANS, for Committee.

Bill read first time.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 24, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 48, being "An act to authorize district judges to change the venue in cases of felony before indictment is found," and find the same correctly engrossed.

MARTIN, Chairman.

Senator Gooch, chairman of Judiciary Committee No. 2, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 25, 1884.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bills Nos. 43 and 56, entitled, respectively, as follows: "An act to amend article 3203 of the Revised Civil Statutes of the State, and to add thereto article 3203a," and "An act to amend chapter 2, title 62 of the Revised Statutes, by the addition of article 3201a," have carefully examined the same, and instruct me to report the same back with the recommendation that they do not pass.

The object of the bills is to extend for a long period or abolish the statute of limitations for trespass in destroying fences,

in civil suits. The laws of limitations are based upon considerations of public policy, among which are to require persons to adjudicate their rights within a reasonable time, and during the lives of witnesses who are familiar with the facts, and we are opposed to the change of this general policy.

All of which is respectfully submitted.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 25, 1884.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 27, entitled "An act to regulate fencing and to prohibit the fencing of land belonging to the State university, asylum and school land without authority, or any other land without the consent of the owner or lessee thereof." The bill undertakes to prohibit the fencing of public land, private land, occupied or unoccupied, certain streams of water and certain roads. It regulates gates; it prohibits stock of certain pasture owners from running at large, and punishes violations of the act. Separate bills have been introduced to cover every separate subject, and most of them reported favorably, except as to fencing and herding on public land and fencing streams of a certain character. We herewith report a substitute for the bill, which provides against fencing or herding or loose herding on school and university or asylum land without leasing it, and against fencing streams thirty feet wide, and recommend the passage thereof.

All of which is respectfully submitted.

GOOCH, Chairman.

Bill read first time.

Senator Getzendaner, for Committee on Education, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 24, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Education, to whom was recommitted Senate bills Nos. 12 and 17, both being entitled "An act to provide for the investment of the permanent public free school fund," with the amendments of the Senate thereto, have carefully examined the same, and instructed by your committee to report the accompanying bill as a substitute therefore, and to recommend that the substitute do pass.

All of which is respectfully submitted.

GETZENDANER, Acting Chairman.

Bill read first time.

Senator Perry, chairman of Committee on Roads Bridges and Ferries, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 25, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Roads, Bridges and Ferries, to whom was recommitted Senate bill No. 7, together with Senate amendments thereto, have carefully considered said bill and amendments, and a majority of said committee instruct me to report said bill back with the accompanying amendments as a substitute for said bill, and recommend that said substitute do pass.

All of which is respectfully submitted.

PERRY, Chairman.

Bill read first time.

Senator Randolph, for Judiciary Committee No. 2, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 24, 1884.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 69, entitled "An act prescribing a penalty for ordering a citizen to leave the county, or ordering him to remove his stock therefrom," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass, for the reason that article 816 of the

Penal Code embraces the subject matter in said bill expressed, and provides a remedy for the evils complained of.

All of which is respectfully submitted,

RANDOLPH, for the Committee.

Bill read first time.

Senator Patton, acting chairman of Judiciary Committee No. 2, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, January 25, 1884.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 9, entitled "An act to prescribe the punishment for wilfully fencing land the property of another," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass, for the reason that they find that Senate bill No. 40 (which is at this date favorably reported by your committee) embraces the same subject matter, and in the judgment of your committee, is better adapted to the object sought to be attained, and they recommend that this bill lay on the table.

All of which is respectfully submitted.

PATTON, Acting Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 25, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Judiciary No. 2, to whom was referred Senate bill No. 40, entitled "An act prohibiting persons from fencing lands not owned or controlled by them without the written consent of the owner, and prescribing penalties therefor," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

PATTON, Acting Chairman.

Bill read first time.

Senator Matlock, chairman of the Committee on Public Lands and Land Office, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, January 25, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Public Lands and Land Office, to whom was referred the memorial of citizens of Wood county, relative to wire fences and public schools, have carefully examined the same, and instruct me to report the same back with the recommendation that it lie on the table, there being bills pending before the Legislature embracing subjects mentioned in said memorial.

All of which is respectfully submitted.

MATLOCK, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 25, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Public Lands and Land Office, to whom was referred Senate bill No. 50, entitled "An act to amend sections 4, 6, 8, 9, 12, 13 and 16, and to repeal sections 7, 8 and 17 of an act entitled 'an act to provide for the classification, sale and lease of the lands heretofore or hereafter surveyed and set apart for the benefit of the common school, university, the lunatic, blind, deaf and dumb and orphan asylum funds,' approved April 12, 1883, and to add additional provisions thereto," have carefully examined the same, and a majority of the committee instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

MATLOCK, Chairman.

Bill read first time.

Senator Davis, for Committee on Judicial Districts, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 25, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Judicial Districts, to whom was referred

House bill No. 68, being "An act to amend the fourth section of an act reorganizing the twelfth, seventeenth, twenty-ninth, thirty-fourth and thirty-fifth judicial districts," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, for Committee.

Bill read first time.

The following resolution from the North Texas Wool Growers' Association was presented to the Senate by Senator Fleming.

Read, and

Referred to the Committee on Stock and Stock-raising.

Resolutions adopted by the North Texas Wool Growers' Association, at its regular meeting, held at Abilene, Texas, January 21, 1884:

Resolved, 1. It is the opinion of this association that the counties in which fences are unlawfully cut and destroyed should be held responsible to the owners of the fence or fences cut for all damage sustained thereby.

Resolved, 2. That our secretary be directed to send a copy of the above resolution to our Representatives in the Legislature.

ANDREW VAN TUYL, President.

J. E. COCKRELL, Secretary pro tem.

Senate bill No. 10, "An act to further regulate the collection of taxes on real estate, including lands heretofore bought by the State at delinquent tax sales," pending on adjournment, was taken up.

The question was on the following pending amendment of Senator Traylor:

And the collector shall execute to the purchaser a deed for the land bought, which deed, when recorded according to law, shall be prima facie evidence that all the requisites to the law have been complied with making such sale, and shall also be prima facie evidence that all the requisites to the exercise of the power to make said sale and deed have been complied with.

Lost by the following vote:

YEAS—8.

Fleming,	Johnston of Shelby,	Pfeuffer,
Getzendaner,	Martin,	Traylor.
Johnson of Collin,	Perry,	

NAYS—16.

Buchanan,	Gibbs,	Peacock,
Chelsey,	Gooch,	Pope,
Collins,	Houston,	Randolph,
Davis,	Jones,	Shannon,
Evans,	Matlock,	Stratton.
Farrar,		

Senator Traylor offered the following amendment:
Change section 7 to section 8, and add:

SEC. 7. When a less amount than the whole of the real estate advertised is sold in satisfaction of the taxes and costs due, the remainder shall revert to the owner.

Adopted.

The President gave notice of signing House joint resolution No. 18, "resolution requesting our Senators and Representatives in Congress to use their best efforts to procure the passage by Congress at the present session of an act for the improvement of the entrance to Galveston harbor, on the basis of the pending proposition of Captain Eads."

Senator Getzendaner offered the following amendment to the pending resolution:

Amend section 4, fourth line, by striking out "before such real estate is resold," and insert in lieu

thereof "within one year from the passage of this act."

Lost, and

Bill ordered engrossed.

Senator Matlock moved to suspend the constitutional rule and place bill on third reading.

Adopted by the following vote:

YEAS—24.

Buchanan,	Gibbs,	Peacock,
Chesley,	Houston,	Perry,
Collins,	Johnson of Collin,	Pfeuffer,
Davis,	Johnston of Shelby,	Pope,
Evans,	Jones,	Randolph,
Farrar,	Martin,	Shannon,
Fleming,	Matlock,	Stratton,
Getzendaner,	Patton,	Traylor.

NAYS—none.

Bill read third time and passed.

Senator Pfeuffer moved to suspend the regular order of business and take up House bill No. 33, known as the deficiency bill.

Adopted, and

Bill taken up and read second time.

First committee amendment adopted.

Second committee amendment adopted.

Third committee amendment adopted.

Fourth committee amendment adopted.

Fifth committee amendment adopted.

Senator Traylor offered the following amendment:

"For payment of the expenses of attached witnesses in felony cases, \$15,000."

Adopted.

Senator Jones offered the following amendment:

"For sheriffs, district attorneys, clerks, justices of the peace, and other officers in criminal matters, \$15,000."

Senator Traylor offered the following amendment to the amendment of Senator Jones:

"Substitute \$5000 for \$15,000."

Accepted, and

Amendment of Senator Jones as amended adopted by the following vote:

YEAS—17.

Buchanan,	Johnson of Collin,	Perry,
Collins,	Jones,	Pope,
Davis,	Martin,	Randolph,
Farrar,	Matlock,	Stratton,
Gooch,	Patton,	Traylor.
Houston,	Peacock,	

NAYS—8.

Chesley,	Getzendaner,	Pfeuffer,
Evans,	Gibbs,	Shannon.
Fleming,	Johnston of Shelby,	

Bill passed to third reading.

Senator Fleming moved to suspend the rules and place the bill on its third reading.

Adopted by the following vote:

YEAS—23.

Buchanan,	Houston,	Perry,
Chesley,	Johnson of Collin,	Pfeuffer,
Collins,	Johnston of Shelby,	Pope,
Evans,	Jones,	Randolph,
Farrar,	Martin,	Shannon,
Fleming,	Matlock,	Stratton,
Getzendaner,	Patton,	Traylor.
Gooch,	Peacock,	

NAYS—none.

Bill read third time.

Senator Pfeuffer offered the following amendment:

Add after "1884," in line 2, section 1, "to February 29, 1885."

Adopted by the following vote:

YEAS—21.

Chesley,	Johnson of Collin,	Pfeuffer,
Davis,	Johnston of Shelby,	Pope,
Farrar,	Jones,	Randolph,
Fleming,	Martin,	Shannon,
Gibbs,	Matlock,	Stratton,
Gooch,	Patton,	Terrell,
Houston,	Peacock,	Traylor.

NAYS—1.

Getzendaner.

Bill passed by the following vote:

YEAS—26.

Buchanan,	Gooch,	Perry,
Chesley,	Houston,	Pfeuffer,
Collins,	Johnson of Collin,	Pope,
Davis,	Johnston of Shelby,	Randolph,
Evans,	Jones,	Shannon,
Farrar,	Martin,	Stratton,
Fleming,	Matlock,	Terrell,
Getzendaner,	Patton,	Traylor.
Gibbs,	Peacock,	

NAYS—none.

The following message was received from the House:

HOUSE OF REPRESENTATIVES.
AUSTIN, January 25, 1884.

Hon. Marion Martin, President of the Senate:

I am instructed to inform the Senate that the House has passed substitute for House bill Nos. 6, 23, 24, 25, 26, 29, 34, 43, 47 and 63, entitled "An act to amend articles 4360, 4361, 4366, 4367, 4370, 4372, 4375, 4379, 4384, 4387, 4389 and 4390 of title 87, chapter 1, and to add thereto articles 4390a, 4390b, 4390c, and also to amend article 4392 of chapter 2, and article 4418 of chapter 4, title 87 of the Revised Civil Statutes, relating to public roads, and to enforce the provisions of article 4390a of this bill, and to provide adequate penalties therefor." Passed under a suspension of the rule, by a two-thirds vote—Yeas, 89; nays, 5.

Respectfully,
J. W. BOOTH, Chief Clerk.

Senator Terrell, by leave, introduced a "resolution requesting the Governor to submit to the Legislature the propriety of repealing all laws which permit corporations to acquire lands in Texas except for mechanical, public improvement, and transportation purposes, and under article 574, to alter and reform charters already granted so as to limit duration to six months from the passage of an act requiring them to wind up their affairs, and, after payment of debts, distribute their land assets among the stockholders."

Referred to Committee on State Affairs.

Senator Matlock, by leave, introduced a "resolution requesting the Governor to submit for the consideration of the Legislature the question of the propriety of repealing section 4 of 'An act defining who are officers of the State, and prescribing their rights, powers, duties and privileges,' approved February 15, 1881."

Referred to Committee on State Affairs.

Senator Johnston of Shelby, by leave, introduced

a bill to be entitled, "An act to provide for the safe investment of the public school fund."

Referred to Committee on Education.

Senator Davis moved to suspend the regular order of business and take up House concurrent resolution No. 2, "instructing our Senators and Representatives in Congress to provide for a court to try offenses committed in the Indian Territory."

Adopted.

Resolution taken up.

Senator Davis moved that the Senate recede from the Senate amendment to said bill.

Adopted.

Senator Patton moved to suspend the consideration of Senate bill No. 66, the special order, and take up Senate bill No. 68, "An act to authorize counties to issue bonds for road and bridge purposes, and to levy a tax to pay the same."

Adopted, and

Bill taken up and

Read second time.

Senator Jones offered the following amendment:

Amend by adding. Section 9. That all bonds heretofore issued for the purposes named in this bill are hereby validated, and that the caption be so amended so as to conform with this section."

Senator Matlock offered the following amendment to the amendment of Senator Jones:

"Provided, that the said bonds come within the limitations of the provisions of this bill."

Accepted, and

Adopted as part of the bill.

Senator Traylor offered the following amendment:

In section 3, line 20, strike out "fifteen," and insert "five."

Senator Davis offered the following substitute for the amendment of Senator Traylor:

Strike out "fifteen," and insert "ten."

Lost.

Senator Chesley offered the following amendment:

Amend the amendment of Senator Traylor by substituting "ten" for "five."

Withdrawn.

Senator Matlock moved to reconsider the vote by which Senator Davis' amendment was lost.

Adopted, and

Vote reconsidered by the following vote:

YEAS—15.

Buchanan,	Getzendaner,	Martin,
Chesley,	Gibbs,	Matlock,
Davis,	Houston,	Patton,
Evans,	Johnston of Shelby,	Pfeuffer,
Fleming,	Jones,	Shannon.

NAYS—8.

Collins,	Peacock,	Stratton,
Gooch,	Perry,	Traylor.
Johnson of Collin,	Randolph,	

Senator Davis' amendment was adopted by the following vote:

YEAS—12.

Chesley,	Gibbs,	Matlock,
Davis,	Houston,	Patton,
Evans,	Jones,	Pfeuffer,
Fleming,	Martin,	Shannon.

NAYS—11.

Collins,	Johnston of Shelby,	Pandolph,
Getzendaner,	Peacock,	Stratton,
Gooch,	Perry,	Traylor.
Johnson of Collin,	Pope,	

Senator Chesley offered the following substitute for the amendment of Senator Davis:

Substitute "ten" for "fifteen," in line 19; also "ten" for "fifteen" in line 20, section 3."

Adopted by the following vote:

YEAS—15.

Chesley,	Johnston of Shelby,	Pope,
Collins,	Jones,	Randolph,
Getzendaner,	Martin,	Shannon,
Gooch,	Peacock,	Stratton,
Johnson of Collin,	Perry,	Traylor.

NAYS—9.

Buchanan,	Fleming,	Matlock,
Davis,	Gibbs,	Patton,
Evans,	Houston,	Pfeuffer,

Senator Chesley's substitute was then adopted as a part of the bill.

Senator Getzendaner offered the following amendment:

Strike out "road," where it occurs in the bill.

Senator Gooch offered the following substitute for the amendment of Senator Getzendaner:

In section 1, line 5, strike out "or for road purposes."

Accepted.

Senator Jones offered the following substitute for the amendment of Senator Gooch:

Strike out all of the bill relating to roads, and amend the caption to conform thereto.

Accepted, and

Adopted by the following vote:

YEAS—18.

Buchanan,	Johnson of Collin,	Perry,
Collins,	Johnston of Shelby,	Pope,
Getzendaner,	Jones,	Stratton,
Gooch,	Peacock,	Traylor.
Houston,		

NAYS—12.

Chesley,	Fleming,	Patton,
Davis,	Gibbs,	Pfeuffer,
Evans,	Martin,	Randolph,
Farrar,	Matlock,	Shannon.

Senator Matlock offered the following amendment:

SEC. 7. The near approach of the close of the session of the Legislature, and the importance of a law authorizing the issuing of bridge bonds, creates an emergency and a public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Adopted.

Senator Peacock offered the following amendment:

Amend section 3 by striking out all after the word "there" in line 13, down to the word "their" in line 14.

Adopted.

Senator Pfeuffer offered the following amendment:

Strike out the enacting clause.
Senator Matlock moved to table the amendment of Senator Pfeuffer.

Adopted by the following vote:

YEAS—15.

Buchanan,	Gooch,	Patton,
Chesley,	Johnson of Collin,	Peacock,
Collins,	Johnson of Shelby,	Perry,
Farrar,	Jones,	Pope,
Getzendaner,	Matlock,	Traylor.

NAYS—9.

Davis,	Houston,	Randolph,
Fleming,	Martin,	Shannon,
Gibbs,	Pfeuffer,	Stratton.

Senator Gibbs offered the following amendment:
Strike out "bridges" wherever it occurs.

Senator Gooch moved the previous question on the pending amendment and engrossment of the bill.

Motion seconded, and

The main question was ordered.

Senator Gibbs's amendment was lost, by the following vote:

YEAS—8.

Fleming,	Martin,	Shannon,
Gibbs,	Perry,	Stratton.
Houston,	Pfeuffer,	

NAYS—17.

Buchanan,	Getzendaner,	Patton,
Chesley,	Gooch,	Peacock,
Collins,	Johnson of Collin,	Pope,
Davis,	Johnson of Shelby,	Randolph,
Evans,	Jones,	Traylor.
Farrar,	Matlock,	

Bill ordered engrossed by the following vote:

YEAS—16.

Buchanan,	Getzendaner,	Patton,
Chesley,	Gooch,	Peacock,
Collins,	Johnson of Shelby,	Pope,
Davis,	Jones,	Randolph,
Evans,	Matlock,	Traylor.
Farrar,		

NAYS—9.

Fleming,	Johnson of Collin,	Pfeuffer,
Gibbs,	Martin,	Shannon,
Houston,	Perry,	Stratton.

Senator Pfeuffer, chairman of Finance Committee, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 25, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 72, entitled "An act to authorize counties to issue bonds to fund their outstanding indebtedness, incurred prior to the twenty-fourth day of September, 1883," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

PFEUFFER, Chairman.

Bill read first time.

Senator Gibbs offered the following resolution:

Resolved, That the Governor be requested not to submit any more subjects of legislation until the Legislature acts on the more important questions already submitted.

Referred to Committee on State Affairs.

On motion of Senator Gibbs,
The Senate adjourned till 3 o'clock this afternoon.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Martin, President of the Senate, in the chair.

Roll called.

Quorum present,

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 25, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 38, being "An act to amend article 4362, title 87, of the Revised Statutes of the State of Texas," etc., and find the same correctly engrossed.

MARTIN, Chairman.

The President laid before the Senate Senate bill 66, substitute for Senate bill 2, "An act to control and dispose of all the lands heretofore or hereafter surveyed and set apart for the benefit of the common school fund, save and except the land thereof classed as timbered," being the bill pending on adjournment.

Bill read second time.

First committee amendment adopted.

Second committee amendment adopted.

Senator Collins offered the following amendment to the second committee amendment:

On last page, in line 7, printed bill, strike out "said" and insert "unoccupied."

Senator Martin offered the following amendment to the pending amendment:

Strike out the word "said," in line 7, page 8, and insert "unsold or unleased."

Accepted.

Senator Randolph offered the following amendment to the pending amendment:

In section 11, as amended, page 8, strike out all after "adjoining lands" so as to strike out the right to graze.

Adopted.

Senator Jones offered the following amendment:

Insert 640 acres in place of 160 acres, in lines 7 and 8.

Adopted by the following vote:

YEAS—16.

Buchanan,	Jones,	Pfeuffer,
Davis,	Martin,	Shannon,
Farrar,	Matlock,	Stratton,
Fleming,	Peacock,	Terrell,
Gibbs,	Perry,	Traylor.
Johnston of Shelby,		

NAYS—7.

Chesley,	Getzendaner,	Johnson of Collin,
Collins,	Gooch,	Randolph.
Evans,		

And adopted as a part of the bill.

Senator Terrell offered the following amendment:

Provided, that when the purchaser of a section turns cattle loose to graze the amount of cattle permitted, the owner of the surrounding land shall turn loose no larger number in proportion to the amount of land leased.

Adopted.

Senator Gooch offered the following amendment:
Amend section 11 by striking out so much of lines 5, 6, 7, and 8 as guarantees the right to graze.
Lost by the following vote:

YEAS—9.

Chesley, Collins, Davis,	Getzendaner, Gooch, Johnson of Collin,	Johnston of Shelby, Martin, Randolph.
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NAYS—14.

Buchanan, Evans, Farrar, Fleming, Gibbs,	Houston, Jones, Peacock, Perry, Pfeuffer,	Shannon, Stratton, Terrell, Traylor.
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Senator Matlock offered the following amendment:

Strike out "50," in line 7, and insert "80."

Adopted by the following vote:

YEAS—16.

Buchanan, Chesley, Evans, Getzendaner, Gibbs, Gooch,	Johnson of Collin, Johnston of Shelby, Martin, Matlock, Patton,	Perry, Pfeuffer, Randolph, Shannon, Stratton.
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NAYS—7.

Collins, Davis, Fleming,	Houston, Jones,	Terrell, Traylor.
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Senator Traylor offered the following amendment to third committee amendment:

"And provided further, if the pasture owner should turn out of the pasture any of the stock belonging to the settler on such land, he shall be considered guilty of a misdemeanor and fined not exceeding \$25 for each head so turned out."

Senator Davis offered the following amendment to the pending amendment:

"And provided further, the owner shall be tried in Polk county."

Ruled out of order by the President.

Senator Peacock offered the following amendment to the pending amendment:

"If the settler shall turn out any stock belonging to the pasture owner without his consent, he shall be fined in any sum not to exceed \$25 for each head so turned out."

Accepted, and

Amendment as amended adopted.

Senator Houston moved to reconsider the vote just cast.

Motion adopted by the following vote:

YEAS—13.

Chesley, Collins, Evans, Fleming, Getzendaner,	Gibbs, Gooch, Houston, Jones,	Martin, Perry, Pfeuffer, Shannon.
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NAYS—9.

Buchanan, Davis, Johnson of Collins,	Johnston of Shelby, Patton, Randolph,	Stratton, Terrell, Traylor.
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Senator Traylor's amendment readopted by the following vote:

YEAS—14.

Buchanan, Chesley, Davis, Getzendaner, Gooch,	Johnson of Collin, Johnston of Shelby, Matlock, Patton, Peacock,	Randolph, Stratton, Terrell, Traylor.
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NAYS—10.

Collins, Evans, Fleming, Gibbs,	Houston, Jones, Martin,	Perry, Pfeuffer, Shannon.
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Senator Gooch offered the following amendment:
"Provided, that it shall be no offense to turn out cattle with the consent of the owner, or those enclosed in excess of the number allowed by law."

Adopted.

Senator Matlock offered the following amendment:

"Provided, that where a person settles inside a pasture, and does not enclose the land he settles upon, and turns stock loose thereon, he shall pay to the owner of the fence a proportionate amount of the costs of such pasture in proportion to the amount of land occupied by him."

Adopted by the following vote:

YEAS—12.

Chesley, Collins, Davis, Getzendaner,	Gooch, Johnson of Collin, Johnston of Shelby, Matlock,	Peacock, Perry, Randolph, Stratton.
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NAYS—10.

Buchanan, Evans, Farrar, Fleming,	Gibbs, Houston, Martin,	Patton, Terrell, Traylor.
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Senator Davis offered the following amendment:

Add to the close of the section: "All prosecutions under this act shall be had in the county court of Austin county."

Senator Collins moved to lay the amendment on the table.

Amendment withdrawn.

Senator Johnston of Shelby moved that the third committee amendment with amendments be postponed, and that they be printed and made the special order for Monday morning.

Motion withdrawn.

Senator Peacock offered the following amendment:

"Provided if the settler encloses any part of his land he shall be entitled to turn out in the pasture not more stock than one head of stock for each eight acres of land left unenclosed by him."

Senator Davis offered the following amendment to the pending amendment:

Strike out all that part of the third committee amendment relative to grazing and affixing penalties therefor.

Senator Peacock raised the point of order that the same amendment had been voted on and lost.

Senator Houston replied that the character of the bill had been changed since the amendment in question was defeated.

Senator Gooch made the point of order that an amendment to perfect a bill has the precedence over an amendment to strike out.

The last point of order was sustained.

Senator Davis withdrew his amendment.

Senator Peacock's amendment was lost.
 Senator Davis offered the following amendment:
 Strike out all after the word "lands," line 5,
 page 8.

Adopted, by the following vote:

YEAS—13.

Collins,	Jones,	Pfeuffer,
Davis,	Martin,	Randolph,
Getzendaner,	Matlock,	Shannon,
Gibbs,	Perry,	Stratton.
Houston,		

NAYS—9.

Buchanan,	Fleming,	Peacock,
Evans,	Gooch,	Terrell,
Farrar,	Johnson of Collin,	Traylor.

Senator Collins moved the previous question on third committee amendment.

Motion seconded, and

Main question was ordered.

The third committee amendment was adopted.

Senator Davis offered the following amendment to the bill:

Strike out the provisions of the bill creating the superintendent of public free school lands, and so change the bill as to impose the duties of such superintendent on the Commissioner of the General Land Office.

Adopted.

Senator Shannon offered the following amendment:

Amend section 3 by inserting, in line 18, printed bill, between the words "State" and "to," the words "except those classed as timbered lands."

Adopted.

Senator Evans offered the following amendment:

Amend by striking out the words "six months," wherever they occur in sections 12 and 13, and insert in lieu thereof the words "five years."

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
 AUSTIN, January 25, 1884.

To the Hon. Marion Martin, President of the Senate:

I am instructed to inform the Senate that the House has passed substitute House bills Nos. 16, 41 and 69, "An act to provide for the erection of gates into and opening ways through enclosed lands in this State for the use of the public." Passed under a suspension of the rule. Yeas, 76; nays, 2.

Respectfully,

J. W. BOOTH, Chief Clerk.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
 AUSTIN, January 25, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills, have carefully examined and compared Senate bill No. 33, being "An act to provide for the leasing of the school lands belonging to the unorganized counties," and find the same correctly engrossed.

MARTIN, Chairman.

On motion of Senator Randolph,

The Senate adjourned till 10 o'clock to-morrow morning.

SEVENTEENTH DAY.

SENATE CHAMBER,
 AUSTIN, TEXAS, January 26, 1884.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

On motion of Senator Stratton,

The reading of yesterday's journal was dispensed with, and

The journal was adopted.

Senator Perry, chairman of Committee on Roads Bridges and Ferries, submitted the following report:

COMMITTEE ROOM,
 AUSTIN, January 25, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 28, entitled "An act to amend article 4360 of title 87, chapter 1, providing for the establishment of public roads, and to prohibit commissioners' courts from altering or changing public roads, except for the purpose of straightening them and shortening the distance from the point of beginning to the point of destination, and to repeal all laws in conflict therewith," have carefully examined the same, and a majority of said committee instruct me to report it back and recommend that it do pass, with the following amendment.

All of which is respectfully submitted.

PERRY, Chairman.

COMMITTEE AMENDMENT.

Strike out of the caption of the bill all between the words "straightening" in the sixth line, down to and including the word "ground" in the seventh line, so as to make the language of the caption conform to the provisions of the bill.

Bill read first time.

Senator Pfeuffer, chairman of Committee on Finance, submitted the following report:

COMMITTEE ROOM,
 AUSTIN, January 26, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Finance, to whom was referred House bill No. 13, entitled "An act to amend 'an act to provide for the sale of all real estate bid off to the State by collectors of taxes at tax sales, the owners of which have not redeemed the same,' approved April 1, 1879, and to extend the rights of redemption," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass; that it amends the act of April 7, 1879, without correcting the evil most complained of in that act, which provides that all of the land advertised, or upon which taxes are due, shall be sold for a few dollars taxes and costs. We think this feature of the act will bring about much litigation and injury to both owners and purchasers; we, therefore, recommend as a substitute Senate bill No. 10, which provides for the sale of the least amount of land for the taxes and costs due thereon.

All of which is respectfully submitted.

PFEUFFER, Chairman.

Bill read first time.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
 AUSTIN, January 26, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 68, being "An act to authorize counties to issue bonds for bridge purposes, and to levy a tax